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YAHOO! INC.

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION
16

17 CARSON PENKAVA, individually and on behalf
of those similarly situated,

18 Plaintiff,

19 v.

20 YAHOO!, INC.,

21 Defendant.
22

Case No. CV12-03414 PSG LHK

**NOTICE OF WITHDRAWAL OF
YAHOO! INC.'S MOTION TO DISMISS
OR, IN THE ALTERNATIVE, STRIKE
CLASS ACTION ALLEGATIONS
(L.R. 7-7(e))**

1 TO THE CLERK OF COURT AND COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that Defendant Yahoo! Inc. ("Yahoo!") hereby withdraws its
3 pending Motion to Dismiss or, in the Alternative, Strike Class Action Allegations, filed on
4 September 7, 2012 (ECF No. 22), and scheduled for hearing on December 20, 2012.

5 Yahoo! withdraws this motion in light of the First Amended Complaint filed by Plaintiff
6 Carson Penkava on September 21, 2012. (ECF No. 26.) Yahoo! reserves the right to file a
7 Motion to Dismiss, or in the Alternative, Strike Class Action Allegations in response to Plaintiff's
8 First Amended Complaint, in accordance with the October 12, 2012 Order of this Court. (ECF
9 No. 32.)

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11 Dated: October 15, 2012

REBEKAH KAUFMAN
ROBERT PETRAGLIA
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14 By: /s/ Rebekah Kaufman
Rebekah Kaufman

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16 Attorneys for Defendant
YAHOO! INC.